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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

GLOBAL TRIM SALES, INC., a
California corporation,

) Case No. SACV 12-01314 - JLS (RNBx)

Plaintiff,

V.

CHECKPOINT SYSTEMS (UK) LTD.,
a United Kingdom limited company;
CHECKPOINT SYSTEMS, INC., a
Pennsylvania corporation; and
BRILLIANT LABEL MFG. LTD., a
Hong Kong limited company,

**DEFENDANTS' NOTICE OF
MOTION AND MOTION TO
EXCLUDE EXPERT TESTIMONY
OF RICHARD SQUAR**

Date: September 19, 2014

Time: 2:30 pm

Courtroom: 10A

Defendants.

AND RELATED COUNTERCLAIM

Hon. Josephine L. Staton

1 **TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE THAT on September 19, 2014 at 2:30 p.m., or as
 3 soon thereafter as the matter may be heard, in Department 10A of the above-entitled
 4 Court located at 411 West Fourth Street in Santa Ana, California, defendants Checkpoint
 5 Systems, Inc., and Checkpoint Systems (UK) Ltd. and Brilliant Label Manufacturing Ltd.
 6 (collectively “Checkpoint”) will and hereby do move the Court for an order excluding
 7 the expert testimony of plaintiff’s damages expert, Richard Squar.

8 The grounds for this motion are that Squar’s testimony is not reliable under the
 9 standards set forth by *Daubert v. Merrell Dow Pharms. Inc.*, 509 U.S. 579 (1993) in that
 10 Squar’s testimony is not based upon sufficient facts or data, his testimony is not the
 11 product of reliable principles and methods, and he has not reliably applied the principles
 12 and methods to the facts of this case, in that Squar relies upon assumptions that have no
 13 factual support (and many of which are contradicted by undisputed evidence), Squar
 14 does not isolate the result of alleged wrongful conduct from results that would have
 15 occurred even without the alleged wrongful conduct, and Squar cherry-picks data,
 16 ignoring evidence in documents upon which he relied if such evidence does not advance
 17 his client’s interests. Additional grounds for this motion are that Squar’s testimony is not
 18 relevant to any question of facts at issue in this case and that Squar’s testimony would
 19 not be helpful to the jury in that Squar opines to damages that he testifies were caused by
 20 factors other than the wrongful acts pled in plaintiff the complaint of Global Trim Sales,
 21 Inc. (“GTS”) in this action.

22 This motion is made pursuant to Rule 702 of the Federal Rules of Evidence, and
 23 is based upon this Notice of Motion and Motion, the Memorandum of Points and
 24 Authorities, Declaration of Paul Foust, and [Proposed] Order, all of which are filed
 25 concurrently herewith, all pleadings, records, and appearances on file in this case, all
 26 other matters of which this Court may take judicial notice, and such arguments as may
 27 be presented at the time of the hearing, if any.

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1 This motion is made following the conference of counsel pursuant to L.R. 7-3
2 which took place on June 13, 2014.

3 Dated: June 20, 2014

4 TATRO TEKOSKY SADWICK LLP

5 By: /s/ Steven R. Tekosky

6 Steven R. Tekosky, Esq.

7 *Attorneys for Defendants*

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 23th of June , 2014, I electronically filed

3 **DEFENDANTS' NOTICE OF MOTION AND MOTION TO EXCLUDE**
4 **EXPERT TESTIMONY OF RICHARD SQUAR**

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6 with the Clerk of the court using the CM/ECF system, which will send a notification
of such filing (NEF) to the following:

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22 */s/ Karen L. Roberts*
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